

# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

## Asgrow Seed Company

Whereas, THERE HAS BEEN PRESENTED TO THE  
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *seventeen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

'Tempe'

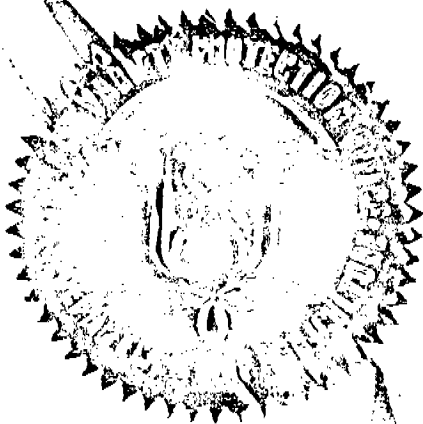
In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 20th day of December in the year of our Lord one thousand nine hundred and seventy-three

Attest:

*L. H. Rollin*  
Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

*Earl L. Butz*

Secretary of Agriculture



## APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

1. VARIETY NAME OR TEMPORARY DESIGNATION Tempe	2. KIND NAME Lettuce	FOR OFFICIAL USE ONLY	
		PVPO NUMBER 73069	
3. GENUS AND SPECIES NAME Lactuca sativa	4. FAMILY NAME (Botanical) Compositae	FILING DATE 3-8-73	TIME 3:30 A.M.
	5. DATE OF DETERMINATION 1968	FEE RECEIVED \$ 250	CHARGES
6. NAME OF APPLICANT(S) Asgrow Seed Company	7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) Kalamazoo, Michigan 49001	8. TELEPHONE AREA CODE AND NUMBER (616) 382-4000	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) Corporation	10. STATE OF INCORPORATION Delaware	11. DATE OF INCORPORATION March 22, 1968	
12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers: Mr. John A. Batcha Asgrow Seed Company 9620-190-1 Kalamazoo, Michigan 49001 Mr. Allen R. Trotter 9625-190-1			

## 13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- ☒ 12A. Exhibit A, Origin and Breeding History of the Variety (See Section 52, P.L. 91-577)
- ☒ 12B. Exhibit B, Botanical Description of the Variety
- ☒ 12C. Exhibit C, Objective Description of the Variety
- ☒ 12D. Exhibit D, Data Indicative of Novelty
- ☒ 12E. Exhibit E, Statement of the Basis of Applicant's Ownership

The applicant declares that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable. (See Section 52, P.L. 91-577).

- 14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? (See Section 83(a), P.L. 91-577) (If "Yes," answer 14B and 14C below.) ☐ YES ☒ NO
- 14B. Does the applicant(s) specify that this variety be limited as to number of generations? ☐ YES ☒ NO
- 14C. If "Yes," to 14B, how many generations of production beyond breeder seed?

Applicant is informed that false representation herein can jeopardize protection and result in penalties.

The undersigned applicant(s) of this sexually-reproduced novel plant variety believes that the variety is distinct, uniform, and stable as required in Section 41 and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act (P.L. 91-577).

Feb 28 1973  
(DATE)

John A. Batcha  
(SIGNATURE OF APPLICANT)  
John A. Batcha  
Assistant to the President  
(SIGNATURE OF APPLICANT)

## CRISPHEAD LETTUCE

## 'Tempe'

## 13A. Exhibit A:

A cross between 'Great Lakes 659' X 'Golden State D' in 1961. Fifteen plants selected and bulked in F<sub>1</sub>. Single plant selections of intermediate type made in F<sub>2</sub>. Selections in subsequent generations made toward 'Golden State D' for good size, earliness, lack of tipburn and rib blight. Cover, frame size and firmness were added as desirable characteristics in later selections. Similar sister lines were selected and bulked in F<sub>7</sub> in 1968. Greenhouse mosaic basic stock was grown from mosaic indexed seed, evaluated and increased in 1969-70.

Approximately 1 percent large, non- or poor heading types occurring during seed multiplication. Stability is indicated by no change in 3 separate growings.

## 13B. Exhibit B:

Heading Great Lakes type closely resembling 'Golden State D'. 'Tempe' is distinguished from others of this group by deeply cut frill as the leaf blade narrows to the midrib in the seedling stage. Flowering and fruiting characteristics are closely similar to other crisphead varieties. The seed stalk is taller but less full than 'Vanguard'. Frame leaves often larger, head cover or leaf protection greater with less head sunburn and core size often larger than 'Golden State D'. Maturity 3-6 days earlier than 'Golden State D' and cut out is usually greater.

Seeds white.

## 13C. Exhibit C:

Plant type	: Crisphead (Great Lakes group)
Seed color	: White
Anthocyanin	: Absent
Leaf surface	: Blistered, glossy
Leaf margin	: Wavy, dentate
Leaf shape	: Rounded, broader than long
Leaf color	: Dark green
Head	: Spherical
Plant size	: Large
Culture	: Spring
Seedling length	: 57 mm.

13C. Exhibit C (continued):

Cotyledon length	: 04 mm. wide, 12 mm. long
Disease reaction	: <u>Not</u> tested

'Tempe' resembles 'Calmar' in leaf color and pigmentation; 'Golden State D' in leaf shape and head size; 'Forty Niner' in plant size. Head maturity in Imperial Valley is 125 days in winter for 'Tempe' and 132 days for 'Golden State D'; in Salinas Valley in summer it is 66 days for 'Tempe' and 68 days for 'Calmar'. Seed stalk emergence in summer in Stratford is 67 days for 'Tempe' and 68 days for 'Calmar'.

13D. Exhibit D:

'Tempe' most closely resembles 'Golden State D'. It differs in the following characteristics:

- a) darker green
- b) more resistant to spiraling
- c) better leaf protection of the head
- d) 3-6 days earlier
- e) more deeply incised leaf margin in the seedling stage.

13E. Exhibit E:

Developed by Asgrow Seed Company utilizing material and facilities owned or controlled by the company.

Plant Variety Protection Application  
Asgrow Seed Company  
Lettuce - Tempe  
February 28, 1973

EXHIBIT A

ORIGIN AND BREEDING HISTORY OF THE VARIETY

Year

- 1961 Cross between Great Lakes 659 and Golden State D.
- 1962 15 plants selected as being F<sub>1</sub> were bulked.
- 1963 F2 grown as stake 2053. Eleven single plant selections toward an intermediate type were selected.
- 1964 F3 grown. Selections were made under stake 1276. This line produced good size with type more toward Golden State D than Great Lakes 659.
- 1965 F4 grown. Selections were made under stake 1730 for size, earliness, lack of tipburn and rib blight.
- 1966 F5 grown. Type toward Golden State D with good cover. Selections were made under stake 2755 for firmness and earliness and lack of tipburn and rib blight.
- 1967 F6 grown. Selections were made under stake 3206 for frame size, cover, earliness, tipburn and rib blight.
- 1968 F7 grown. Sister lines appeared quite similar. Stake 3177 was selected and bulked.
- 1969 Grown in greenhouse for mosaic free seed for trial evaluation under stake 21.
- 1970 Basic seed stock grown in greenhouse under stake 40.

History: PC61352-X PC61355  
PC621357  
PC632053-3  
PC641276-1  
PC651730-1  
PC662755-1  
PC673206-5  
PC683177  
PC6921  
PC7040

Off types showing during multiplication of seed where large, non- or poor heading types at a rate of approximately 1%. Future stock seed improvement should lower this rate considerably.

Stability of the variety is evidenced by the fact that three separate growings of this variety (PC683177, PC6921 and PC7040) have shown no change.

EXHIBIT B

BOTANICAL DESCRIPTION OF THE VARIETY.

Seed White seed can not be distinguished from most other white seeded varieties.

Seedling Stage The leaf base of Tempe is characterized by a deeply cut frill as the leaf blade narrows down to the mid rib. This is not characteristic of Vanguard, Golden State D or Forty Niner with which this variety is to be compared.

Flowering and Fruiting State There has been little noticeable difference between Tempe and most other crisphead varieties. Compared to Vanguard it has a taller but less full seed stalk.

Mature Plant Description The variety Tempe was developed for the area and seasons in which the varieties Golden State D and Vanguard which is quite dissimilar to any other variety. Frame leaves will often be larger, head cover or leaf protection is greater with less head sunburn and core size is often larger than Golden State D. Butt color is darker green than Golden State D. Maturity is three to six days earlier than D and cut out is usually greater.

February 28, 1973

FORM GR-470-1  
 (4-3-72)

UNITED STATES DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL MARKETING SERVICE  
 GRAIN DIVISION  
 HYATTSVILLE, MARYLAND 20782

EXHIBIT C  
 (Lettuce)

OBJECTIVE DESCRIPTION OF VARIETY  
 (LETTUCE)

INSTRUCTIONS: See reverse.

NAME OF APPLICANT(S) Asgrow Seed Company	FOR OFFICIAL USE ONLY PVPO NUMBER 297 - 1 - 7300069
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) Kalamazoo, Michigan 49001	VARIETY NAME OR TEMPORARY DESIGNATION TEMPE

Place the appropriate number that describes the varietal character of this variety in the boxes below.

1. PLANT TYPE: <input type="text" value="4"/> <input type="text" value="2"/> 10 = CUTTING (Leaf) 20 = STALK 50 = BUTTERHEAD 60 = LATIN 70 = OTHER (Specify) _____		30 = COS 31 = SELF-CLOSING GROUP 32 = LOOSE-CLOSING GROUP	40 = CRISPHEAD 41 = IMPERIAL GROUP 42 = GREAT LAKES GROUP 43 = VANGUARD 44 = NEW YORK GROUP
2. SEED COLOR: <input type="text" value="1"/> 1 = WHITE 2 = BLACK 3 = YELLOW		3. ANTHOCYANIN: <input type="text" value="1"/> 1 = ABSENT 2 = PRESENT	
4. LEAF CONTAINING ANTHOCYANIN: <input type="text" value="4"/> 1 = COVERED 2 = SPOTTED 3 = ALONG MARGIN 4 = ABSENT 5 = OTHER (Specify) _____			
5. LEAF SURFACE TEXTURE: <input type="text" value="2"/> 1 = SMOOTH 2 = BLISTERED		6. LEAF SURFACE REFLECTANCE: <input type="text" value="2"/> 1 = DULL 2 = GLOSSY 3 = OTHER (Specify) _____	
7. LEAF MARGIN: <input type="text" value="2"/> 1 = STRAIGHT 2 = WAVY 3 = CURLED		<input type="text" value="2"/> 1 = ENTIRE 2 = DENTATE 3 = INCISED 4 = DEEPLY INCISED 5 = OTHER (Specify) _____	
8. LEAF SHAPE: <input type="text" value="1"/> 1 = ROUNDED 2 = POINTED		<input type="text" value="1"/> 1 = BROADER THAN LONG 2 = LONGER THAN BROAD 3 = OTHER (Specify) _____	
9. LEAF COLOR: (See reverse.) <input type="text" value="7"/> 1 = RED 2 = REDDISH-BROWN 3 = YELLOW 4 = YELLOWISH-GREEN 5 = GREYISH-GREEN 6 = BLUE-GREEN 7 = DARK-GREEN 8 = VERY DARK GREEN			
10. HEADS: <input type="text" value="1"/> 1 = SPHERICAL 2 = FLATTENED 3 = ELONGATE 4 = POINTED 5 = NON-HEADING		11. PLANT SIZE: (See reverse.) <input type="text" value="3"/> 1 = SMALL 2 = MEDIUM 3 = LARGE	
12. CULTURE: <input type="text" value="5"/> 1 = SUMMER CROP 2 = WINTER CROP 3 = NOT SPECIFIC 4 = UNDER GLASS 5 = OTHER (Specify) <u>Spring</u>			
13. SIZE OF 10-DAY OLD SEEDLING GROWN UNDER CONSTANT LIGHT (Growth Chamber) AT 25° C.: (Place a zero in first box (i.e. <input type="text" value="0"/> <input type="text" value="2"/> ) when size is 9 mm. or less.) <input type="text" value="5"/> <input type="text" value="7"/> mm. LENGTH OF SEEDLING <input type="text" value="1"/> <input type="text" value="2"/> mm. LENGTH OF COTYLEDON <input type="text" value="0"/> <input type="text" value="4"/> mm. WIDTH OF COTYLEDON			
14. DISEASE RESISTANCE TO: (Enter zeroes in boxes) where there is no special disease resistance. *			
<input type="text" value="0"/> 1 = TIPBURN <input type="text" value="0"/> 2 = MOSAIC		<input type="text" value="0"/> 3 = DAMPING OFF <input type="text" value="0"/> 4 = DOWNY MILDEW	
<input type="text" value="0"/> 5 = SCLEROTINIA ROT <input type="text" value="0"/> 6 = BROWN BLIGHT		<input type="text" value="0"/> 7 = BIG VEIN <input type="text" value="0"/> 8 = OTHER (Specify) _____	
15. OUTLINE THE FOURTH LEAF: (For standardization purposes, the fourth leaf should be taken from a 20-day old plant grown under constant light.)			

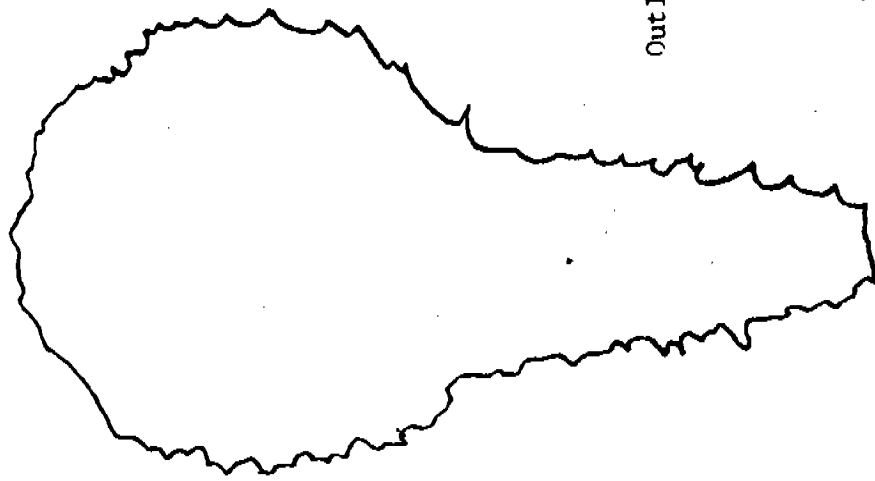
(See attached sheet)

6

\* (Enter 0 - Not Tested; 1 - Susceptible; 2 - Resistant)

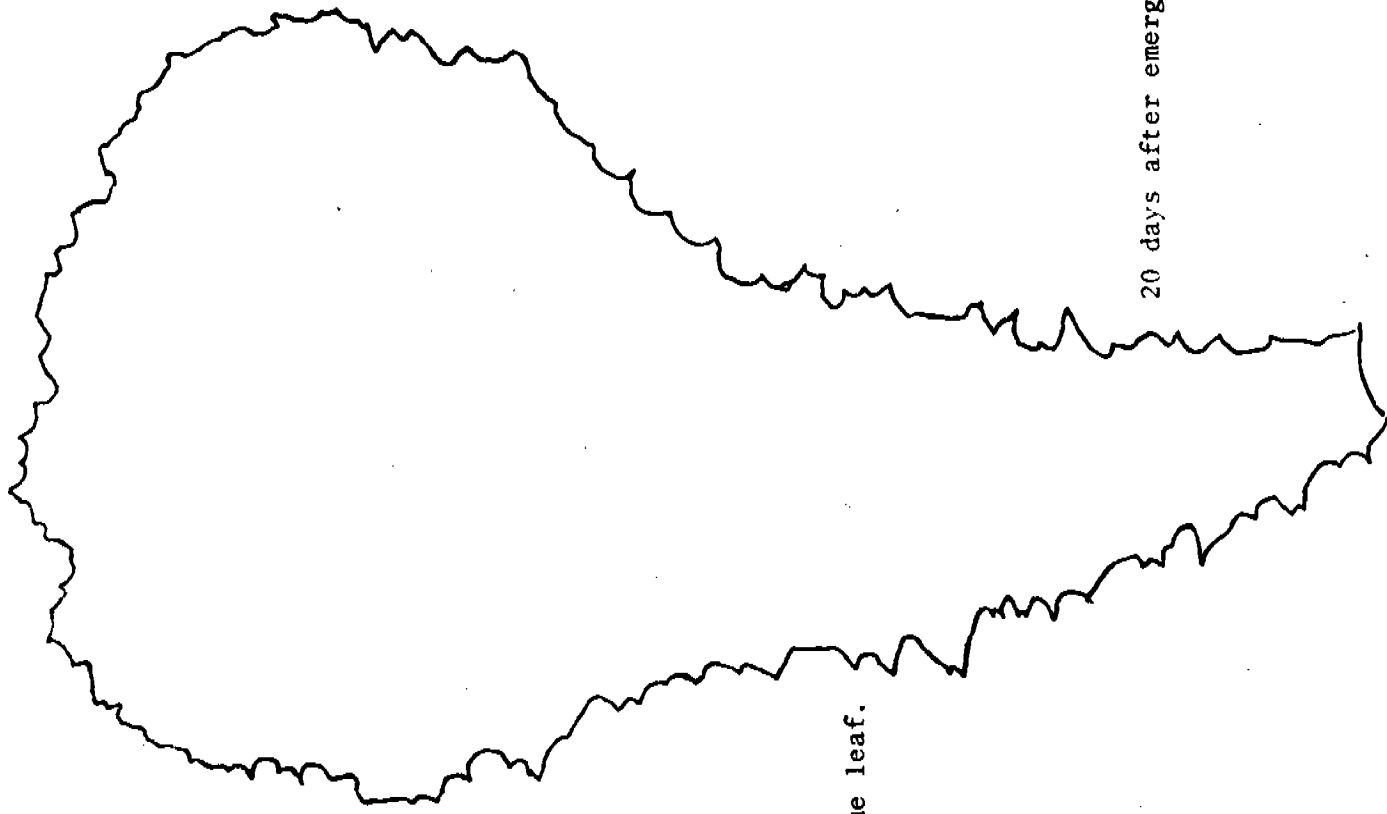
Plant Variety Protection Application  
Asgrow Seed Company  
Lettuce - Tempe  
February 28, 1973

TEMPE



20 days after seeding

Outline of fourth true leaf.



20 days after emergence



EXHIBIT D

DATA INDICATIVE OF NOVELTY

The variety Tempe most closely resembles the variety Golden State D. Color of Tempe is slightly darker green than Golden State D, it is more resistant to spiraling and has better leaf protection of the head than the latter variety. Maturity is 3-6 days earlier than Golden State D.

Seedling measurements were as follows:

	<u>Tempe</u>	<u>Golden State D</u>
Seedling length	57. -12	69.
Hypocotyl length	9.0 -2.5	8.5
Cotyledon length	12.4 -1.5	12.8
Cotyledon width	3.8 -0.8	4.1

These show Tempe as having a significantly shorter seedling length and narrower cotyledon than Golden State D.

Seedling observations show Tempe having a much more incised leaf margin than Golden State D, especially toward the leaf bases, as shown on the accompanying photographs.

Plant Variety Protection Application  
Asgrow Seed Company  
Lettuce - Tempe  
February 28, 1973

EXHIBIT E

STATEMENT OF THE BASIS OF APPLICANTS OWNERSHIP.

The new plant variety, Tempe, was developed under the investigation, support, and corporate objectives of Asgrow Seed Company (a subsidiary of The Upjohn Company) utilizing contributive parent stocks and facilities owned or controlled by the company.

## 16. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER		NAME OF VARIETY				
Leaf color		Calmar				
Leaf pigmentation		Calmar				
Leaf shape		Golden State D				
Plant size		Forty Niner				
Head size		Golden State D				
VARIETY	NO. OF DAYS TO HEAD MATURITY UNDER WINTER CROPPING	LOCATION	NO. OF DAYS TO HEAD MATURITY UNDER SUMMER CROPPING	LOCATION	NO. OF DAYS TO SEED STALK EMERGENCE UNDER SUMMER CROPPING	LOCATION
Submitted	125	Imperial Valley	66	Salinas Valley	67	Stratford, Cal.
Similar	132	Imperial Valley	68	Salinas Valley	68	Stratford, Cal.
Name of similar variety	Golden State D		Calmar		Calmar	

## INSTRUCTIONS

**GENERAL:** The following publications may be used as a reference aid for completing this form:

1. C. M. Rodenburg, 1960, Varieties of Lettuce, An International Monograph, Institut voor de Veredeling van Tuinbouwgewassen, Wageningen, Holland.
2. L. L. Morse, 1930, Field Notes on Lettuce, published by Ferry-Morse Seed Co.

**LEAF COLOR:** Nickerson's or any recognized color fan may be used to determine the leaf color of the described variety. The following lettuce varieties may be used as a guide to identify the eight colors listed on the form.

Color	Variety
Red	"Salad Trim"
Reddish-brown	"Ruby"
Yellow	"Salad Bowl"
Yellowish-green	"Oakleaf"
Greyish-green	"White Boston"
Bluish-green	"Bibb"
Dark-green	"Imperial" group
Very dark green	"Deer Tongue"

**PLANT SIZE:** The following varieties may be used as a guide to identify the plant type size:

TYPE	COMPARABLE VARIETIES		
	SMALL	MEDIUM	LARGE
Cutting (leaf)	Boston-Curled	Prize Head	Grand Rapids
Stalk (stem)	Celtuce	--	--
Cos	Express	Parris Island	Giant White
Crisphead	Mignonette	Hanson (Merit)	Climax
Butterhead	Tom Thumb	Big Boston	Mammoth Butter
Latin	Sucrine	Creole	Deer Tongue